

Application No: 08/02482/F	Ward: Ambrosden and Chesterton	Date Valid: 03/12/2008
Applicant:	Burgess and Sons, Station Yard, London Road, Bicester OX26 6BY	
Site Address:	Land West of Barn Field and Adjoining Akeman Street, Chesterton	

Proposal: Use of land for commercial/storage uses including four open yards and erection of associated buildings. Construction of new vehicular access, internal service road and landscaping.

1. Site Description and Proposal

The application was deferred to allow a Committee site visit and further consideration of flooding issues and the applicants late offer of land for community use. At the time of report preparation work was still ongoing with regard to both matters.

The application site forms a parcel of land approximately 2.4ha in area. The site lies to the west of the village of Chesterton and is currently vacant. The site is bounded by mature landscaping. To the immediate east is an industrial site occupied by WIG Engineering. To the north is Chesterton Golf Club. For the purposes of planning, the site lies within the countryside.

The proposal seeks to erect 4 buildings for commercial use. The buildings would be sited towards Akeman Street with an access road running in front of them. Two types of building are proposed measuring 20m (w) x 10m (l) x 6.2m (h) and 10m (w) x 8m (l) x 5.8m (h). The buildings are utilitarian in design and are to be constructed of profiled metal sheeting and brick.

2. Application Publicity

The application has been advertised by way neighbour letters and a site notice. The final date for comment was 15/01/09

39 letters of objection received commenting on the following:

- Impact on highway safety and infrastructure;
- Impact on character and appearance of the area;
- Development within the countryside;
- Noise and disturbance;
- Flooding;

3. Consultations

OCC Rights of Way Officer – The definitive route of Chesterton Public Footpath 6 runs within the north-eastern boundary of the site...The proposals will not directly affect the footpath and I therefore have no objections to the proposal.

OCC Archaeologist – The site concerned lies within an area of some archaeological

interest adjoining the Roman Road of Akeman Street to the south. This road ran from Alchester, 1 mile east of the proposal site, to Cirencester and is recorded as Margary's Road. A roadside settlement has been recorded along this road, immediately north of Alchester and crop marked evidence from aerial photos show a trackway and associated buildings along the road to the south west of the site. It is possible that this represents further roadside settlement. A Roman coin hoard has been recorded south of Akeman Street and in the vicinity of this development and further Roman coins have been recorded 500m north of the site. Further Roman settlements in the area is suggested by these finds. The site itself appears to currently under pasture and so no crop marked features have been recorded but given its size and location it is possible that further aspects of these Roman sites could exist within the application area.

In accordance with PPG16, we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation. This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be made.

Subsequently, the OCC Archaeologist agreed that in this instance the evaluation could be carried out as part of a staged programme of archaeological investigation as a condition on any planning permission granted.

Planning Policy - This is a proposal for use of the site for commercial/storage uses including four yards and erection of associated buildings, construction of new vehicular access, internal service road and landscaping. The site is currently open countryside and I understand that there are no buildings on it at present.

The key relevant planning policies are as follows:-

Cherwell Local Plan (CLP) Policies C7 & C8 – landscape conservation and Policy EMP4 – new employment uses in rural areas.

Non Statutory Local Plan (NSLP) Policy EMP3 – new employment sites in rural areas, Policy EMP7 - farm diversification and Policies EN30 & EN31 – countryside protection.

The site is close to, but outside, Chesterton. Chesterton is classified as a category 1 settlement in the CLP and as a category 2 settlement in the NSLP. Both the CLP and the NSLP make clear the circumstances where a new employment use may be permitted in rural areas. Generally these are (1) within an existing employment site, (2) for a conversion of an appropriate building and (3) within or adjoining settlements in the case of a minor extension to an existing acceptable employment use (CLP only). The NSLP (policy EMP3) also permits small scale employment generating development within certain settlements (although not Chesterton) subject to certain criteria.

This proposal complies with none of these circumstances. Furthermore, the proposal would result in significant intrusion of an employment use into open countryside including a number of new buildings. Notwithstanding the landscaping that is proposed as part of the application, the proposal would cause harm to the character of the landscape in this area (contrary to policy C7 in the CLP) and would represent sporadic development in the

countryside beyond the existing and planned built-up areas of settlements (contrary to NSLP policy EN30).

For all of the above reasons, the application is considered to be contrary to planning policy.

Safer Communities and Community Development Officer – No observations.

Landscape Officer – Further to my site visit on Monday, 29 December I wish to provide the following observations.

The application site is an unmanaged flattish field of approx 1 hectare in size with rough grass and agricultural weed species, and with areas of tipped builder's rubble and an old car. The field has a roadside ditch with an unmanaged hedge consisting of Ash Trees, Blackthorn, Field Maple and Bramble. The field is defined by a dilapidated barbed wire fence on the west and north east boundaries.

Therefore object to the application because it will erode the rural character on this eastern edge of the open fields. If this development is allowed it will be against our Policy EN30 which advocates refusal for such development in the countryside around Bicester, where it is deemed more appropriate to retain the agricultural use of land. The units and the associated lorries and storage of materials on the hard standing will present a detrimental impact, both visually during the daytime and night time (light pollution), and through noise pollution for the users of the golf club, the sports club, vehicle users on Akeman Street, and not forgetting walkers on the public footpath (no. 161/6) to the sites northeast boundary. The landscaping proposed is not substantial enough to mitigate the aforementioned impacts of the development. In addition the landscaping would appear to be inappropriate in both scale and proportion for the existing open character of the application site and its surrounds.

Chesterton Parish Council – Strongly object to the proposal on the grounds of highway safety, impact on the open countryside, flooding, noise and disturbance.

OCC Highways – The proposal is to convert the use of existing agricultural land for commercial/storage uses including four open yards and erection of associated buildings. The gross floor area for Unit 1 and 2 will be about 200m² each and for Unit 3 and 4 will be 80m² each.

The site lies to the west of Barnfield, adjoining Akeman Street and to the west of Chesterton. The proposed means of access to the site will be via an existing field gate entrance off Akeman Street. The Akeman Street is a narrow single carriageway with no provision of footway and street lighting on both sides of the road.

I have concerns regarding the location of the site in terms of accessibility and sustainability. The proposed site is considered remote from services and local amenities. There is no provision of safe and convenient links along Akeman Street and surrounding highway for use by pedestrians and cyclists. The site is not well served by bus services. The distance from the site to the nearest bus stop (in Chesterton) exceeds the recommended walking distance of 400m (to a bus stop) while the frequency of the only bus service (Route number 25) is less than desirable – running at 60 minutes frequency.

I am also concerned that the proposed development will generate additional lorry traffic accessing Akeman Street and the surrounding area. It should be noted that some sections of the local roads measure less than 5.5m wide and are too narrow for lorries and other

vehicles to pass through simultaneously. As a result of the proposed development additional vehicular traffic (including lorries) will be generated and subsequently add to the potential conflicts on the local roads to the detriment of highway safety and convenience.

I therefore consider that due to the remote location and poor accessibility by sustainable means of travel, the development if permitted, will likely to increase the need of travel by car and discourage travel by public transport, cycling and walking, and as such is contrary to the planning guidance given in PPG13 and policies G1 and T1 outlined in Oxfordshire Structure Plan 2016. I also have concern that traffic generated (in particular lorry traffic) by the proposed development can be detrimental to the safety of other highway users, and as such is contrary to policy T8 of Oxfordshire Structure Plan 2016.

In view of the above concerns it is recommended that this application to be refused.

Environment Agency – In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

The FRA submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25: Development and Flood Risk (PPS 25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to demonstrate that the proposed drainage system will be feasible.

We appreciate that the applicant is proposing to use the most sustainable option with regards to the SUDS selection with the use of infiltration methods, however without any infiltrations test, geotechnical investigation and desk study it has not been demonstrated that these proposals are feasible.

This information should be the initial assessment before the drainage is designed. The existing overall discharge rates and volumes should be calculated to the 1 in 100 year rainfall event. This should not include the 30% allowance for climate change as that should be included in the assessment for the proposed rates and volumes in consideration of the lifetime of the development.

We are pleased to see that the applicant has considered the surface water run-off from the north of the site by proposing an infiltration trench, however again the relevant ground tests should be carried out before we can accept the proposal under a full planning application.

Once the relevant tests have been carried out, any surface water calculations should be amended accordingly and details of the size and location of the proposed SUDS featured should be submitted.

4. Relevant Planning Policies

Oxfordshire Structure Plan 2016	- Policies	EN9, E4, G2, G4, T1, T2 and T8
Adopted Cherwell Local Plan 1996	- Saved Policies	TR1, C7, C8 and EMP4
Non-Statutory Cherwell Local Plan 2011	- Policies	EMP3, EN1, EN14, EN30, EN31, TR1 and TR5

5. Appraisal

The key issues in determination this application are:

- **Applicants specific circumstances**
- **Compliance with national and local planning policy**
- **Sustainability of the location**
- **Flood risk**
- **Impact on the character of the countryside**

Applicants specific circumstances

The proposal seeks to erect 4 commercial units for use by businesses which are currently located at Station Yard, London Road, Bicester, adjacent to Bicester Town rail station and Bicester Village Retail Park. The applicant states in the Design and Access statement that,

‘all businesses are being forced to vacate their premises due to the recent approval of a car park on the site for visitors to Bicester Village (application 08/00704/F)’

In response to this, whilst the above application was recently approved for a car park at the Bicester Village site, the parking areas are restricted to users of the rail station as a park and ride facility and was supported by Chiltern Railway whom serve the site. The owners of Bicester Village do have capacity to use the car park at weekends and bank holidays as overspill parking. Moreover, as owners of the land the departure of the tenants at Station Yard is as a result of Bicester Village serving notice on the tenants and not as a result of any action from the Council. The applicant recognises that the issue of tenancy at the site was a private matter between those parties and not a matter for the Council to consider.

The applicant has indicated that the application should be considered against the current economic climate and the potential loss of over 40 jobs for local people. However, whilst the loss of any employment, whether in the current economic climate or otherwise, is regrettable, the application needs to be assessed against policies within the development plan, and not the personal circumstances of the applicants. Moreover, as a Local Planning Authority, we have to consider a proposal for the lifetime of the development and not just the short term or current circumstances as these are very likely to change in the future (para 13 (iv) PPS1). Therefore, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, ‘If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.’

National and Local Planning Policy Framework

Planning Policy Statement 7: Sustainable Development in Rural Areas states at paragraph 1(iv) that, ‘New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government’s overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.’

Planning Policy Statement 1: Delivering Sustainable Development also states at paragraph 13 (iv) that the key principles underpinning planning seek to ensure that, *inter alia*,

'Planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.'

Policy E4 of the Oxfordshire Structure Plan 2016 states that, 'Proposals for small scale premises (up to about 500 square metres) including proposals that encourage farm or rural diversification will normally be permitted in appropriate locations.'

Policy G1 and G2 of the Oxfordshire Structure Plan 2016 states that development should be of a scale and type appropriate to the site and its surroundings and not cause harm to the character and amenities of the area and be designed so as to reduce the need to travel.

Policy EMP3 of the Non-Statutory Cherwell Local Plan 2011 states that new employment sites within the settlements listed, small scale employment generating development will be permitted subject to the criterion listed therein.

Policy EN30 and EN31 of the Non-Statutory Cherwell Local Plan 2011 seek to ensure that sporadic development in the countryside beyond the existing and planned built-up limits of settlements or which is incompatible with a rural location will be refused.

Saved policy EMP4 of the Adopted Cherwell Local Plan 1996 states that in rural areas, employment generating development will be permitted where it is within an existing employment site, is the conversion of an existing building or group of buildings or is within, or adjoining settlements for a minor extension to an existing acceptable employment site.

Saved policy C7 and C8 of the Adopted Cherwell Local Plan 1996 also seek to ensure that development does not cause demonstrable harm to the topography and character of the landscape.

Consideration of applicants special circumstances

The Design and Access statement confirms that the four units would be occupied by the following businesses:

- Burgess and Sons, Reclamation and Demolition;
- K. Services, Scaffolder;
- McGregor Railway Services Ltd, Railway Material Suppliers;
- A. E. Prentice, Coal Merchants

The applicant, Burgess and Sons, has acquired the freehold of a site approximately 4.86 ha off Akeman Street, part of which forms the application site. In considering a search for alternative sites, the applicant has stated that, 'All businesses would like to relocate to this site which would guarantee their long term security.' (para 2.3 Design and Access statement). In addition to this, the applicant states at paragraph 2.4 that the 'firms wish to relocate together for the following reasons:

- There are no currently available sites within the urban area of Bicester;
- Any sites within Bicester attract high industrial land values beyond the reach of these small firms;
- The proposed site is owned by the applicant and so is immediately available to all

- firms who must vacate their current premises in five months;
- The firms have a long history of operating in close proximity which they wish to maintain. Plant and machinery is often shared.
 - Co-locating offers the firms joint security. This is an issue for these businesses that store much of their stock outside.

These reasons raise several issues. Firstly, the applicant states that there are currently no available sites within the urban Bicester area. This may be correct when considering the relocation of four separate, quite different businesses together. However, while the four firms may wish to maintain close proximity to each other, there is no policy within the development plan to support this approach.

The applicant has provided a report on their search for alternative sites and has discounted the majority of sites as they do not offer a facility for open storage of materials (the open storage of materials will be commented on later within this report) or they cannot accommodate the four businesses together.

Whilst it is admirable that the four businesses wish to re-locate together, this is not a reason in itself to allow the development. The four businesses are separate entities and need to consider their own options regarding re-locating within the District. It is accepted that the open storage of material may cause difficulties in sourcing alternative accommodation, but this does not override existing policy regarding the location of businesses within the countryside.

Planning policy analysis

PPS7 makes it very clear at paragraph 1 (iv) that, 'New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.'

This advice is supported by saved policy EMP4 of the Adopted Cherwell Local Plan 1996 which states that proposals for new employment generating development of the following types will normally be permitted:

- (A) Within an existing acceptable employment site, including redevelopment;
- (B) Conversion of an existing building or group of buildings;
- (C) Within, or adjoining settlements, for a minor extension to an existing acceptable employment site...

Provided that,

The proposal and any associated employment activities can be carried on without undue detriment to the appearance and character of rural landscape and without harming the amenities of settlements or the special character and interest of a building or architectural or historic significance

The proposal complies with the other policies within the plan.

The applicant agrees in the Design and Access Statement (para. 3.7) that, 'the proposed

development does not fully accord with criteria A – C in the policy...’ and continues that, ‘the application is situated next to an existing employment site.’ The applicant goes on to state that,

‘there are other important considerations to justify granting of planning permission in this instance. These considerations are the ‘special circumstances’ of the businesses, which are obliged to leave their current premises at short notice and have no alternative available sites.’

The site is close to, but outside, Chesterton which is classified as a Category 2 settlement in the Non-Statutory Cherwell Local Plan 2011. Policy EMP3 of the Non-Statutory Cherwell Local Plan 2011 seeks to allow proposals for small scale employment generating sites and specifically includes Category 1 villages, considered to be more sustainable villages in the rural areas. As Chesterton is a Category 2 village, the policy does not refer to Chesterton as a location for new employment sites.

It is accepted that policy E4 of the Oxfordshire Structure Plan 2016 allows the permits proposals for small scale premises (up to about 500 square metres) including proposals that encourage farm or rural diversification, in appropriate locations. However, particular regard must also be given to policy G1 of the Oxfordshire Structure Plan 2016 in assessing the economic and social well-being of local communities.

Policy G1 of the Oxfordshire Structure Plan 2016 provides the general policy for development within the County and recognises that that national and regional guidance promotes urban areas as the main focus for development and that development should be located where it helps in reducing the need to travel and might encourage walking, cycling and the use of public transport. Policy E4 recognises the importance of ‘appropriate locations’ and states in its supporting text that,

‘Key considerations [for development] are the overall scale of the activity proposed, traffic generation and impact, and the general desire to locate developments in locations which serve to reduce travel by the private car. Local Planning Authorities can make provision for sensitive small scale development in rural settlements where they consider that there is a need and the development is otherwise acceptable.’

Having regard to both policy E4 and G1 of the Oxfordshire Structure Plan 2016, the site is not within a sustainable location and is served only by limited public transport. Therefore, in reality, the only means of accessing the site would be by private car. The site is therefore not within a sustainable location and cannot rely on policy E4 and G1 of the Oxfordshire Structure Plan 2016 which seek to reduce overall reliance on the private motor car by locating development proposals within areas where the need to travel is reduced.

Policy G1 of the Oxfordshire Structure Plan 2016 also states that,

‘The general strategy...for development to sustain economic prosperity...will deliver the level of development required to meet the objectives of this plan, while protecting and enhancing the environment, character and natural resources of the county;’

Flood risk

In the absence of an acceptable Flood Risk Assessment (FRA) the Environment Agency objects to the grant of planning permission

The FRA submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25: Development and Flood Risk (PPS 25). The submitted FRA does not therefore; provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In addition, the submitted FRA fails to demonstrate that the proposed drainage system will be feasible.

Impact on the character of the countryside

Saved policy C7 of the Adopted Cherwell Local Plan 1996 states that, 'development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.' The supporting text to saved policy C7 also states that this advice is 'reaffirmed by recent Central Government advice (PPS7) which advises that the countryside should be protected for its own sake.'

The impact of the development on the rural character of the area also needs to be taken into consideration. The Landscape Officer has considered the proposal and raises an objection based on an unacceptable impact on the countryside.

The existing site currently forms an open parcel of land with some detritus scattered at the southeast corner (this is the subject of a current enforcement notice to be removed). Otherwise, the land is open fields and is rural in character and form. The introduction of the four units, the proposed access road, hardstanding and open storage of materials would harm the rural character of the area to the detriment of the area as a whole.

The applicant has suggested landscaping as part of the development. However, the Landscape Officer considers that,

'The landscaping proposed is not substantial enough to mitigate the aforementioned impacts of the development. I would also mention that this landscaping would appear be inappropriate in both scale and proportion for the existing open character of the application site and its surrounds.'

And Planning Policy also comment that,

'Notwithstanding the landscaping that is proposed as part of the application, the proposal would cause harm to the character of the landscape in this area (contrary to policy C7 in the CLP) and would represent sporadic development in the countryside beyond the existing and planned built-up areas of settlements (contrary to NSLP policy EN30).'

Again, it is regrettable that the tenants have been given notice to quit the site at Bicester. However, this is an argument that could be used repeatedly by businesses which are also seeking to relocate to a rural location with no other justification than they have been given notice to quit their current premises. With this in mind, these circumstances are not considered to be so special or of such weight as to warrant overriding adopted policy or Government guidance seeking to protect the countryside as a finite resource and for the sake of its intrinsic character and beauty.

6. Recommendation

Refusal, for the following reason(s);

- 1. The proposed buildings are in an isolated location, divorced from established centres of population and not well served by public transport and reliant on use of the private car. The use of the buildings for unspecified commercial uses with no evidence of meeting local economic or social needs in terms of providing local employment opportunities or providing a local service, will result in development in the countryside that will not contribute towards sustainable development objectives and which will give rise to excessive traffic which will prejudice the aims of both the Structure and Local Plans to focus development in areas that will contribute to the general aim of reducing the need to travel by private car. This will be contrary to guidance contained within PPG 13: Transport and PPS7: Sustainable Development in Rural Areas, Policies G1, G2, E4, T1 and T8 of the Oxfordshire Structure Plan, saved policy EMP4 of the Adopted Cherwell Local Plan 1996 and Policies EMP3 of the Non-Statutory Cherwell Local Plan 2011.**
- 2. The proposal will result in a substantial change in the character and appearance of the open countryside which contributes to the rural setting of Chesterton and will lead to an unacceptable erosion of the rural character of this part of the countryside. This will be contrary to Policy EN1 of the Oxfordshire Structure Plan 2016, saved Policy C7 and C8 of the adopted Cherwell Local Plan and Policy EN30, EN31 and EN34 of the Non-Statutory Cherwell Local Plan 2011.**
- 3. The Flood Risk Assessment submitted with the application does not comply with the requirements set out in Annex E, paragraph E3 of PPS25. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the development. The proposal is therefore contrary to Policy EN9 of the Oxfordshire Structure Plan 2016 and policy EN14 of the Non-Statutory Cherwell Local Plan 2011.**